

Amendment
U.S. Patent Application No. 10/688,733
Attorney Docket No. MAT 314

REMARKS

By way of this Amendment, claims 1-4, 7-11, 13-15, 17, 18, and 20-29 are canceled and new claims 30-49 are presented. Accordingly, claims 30-49 are pending in the subject application.

In the Office Action, claims 1-4, 7-11, 13-15, 17, 18, and 26 [20] -29 are indicated as being rejected under 35 U.S.C. §103(a) as being unpatentable over either U.S. Patent No. 2,587,142 to Gray et al. or U.S. Patent No. 2,545,155 to Logan in view of Hartmann (DE 29611499) or Hubertus (DE 19750436). As noted above, Applicants have canceled pending claims 1-4, 7-11, 13-15, 17, 18, and 20-29, thereby rendering the rejections of those claims moot.

With respect to new independent claim 30, Applicants respectfully submit that the prior art of record fails to teach or suggest, alone or in combination, a toy vehicle including "a vehicle body; a chassis, the chassis being coupleable to the vehicle body; a cockpit, the cockpit being configured to be disposed between the chassis and the vehicle body, the cockpit including one of an alignment member and a complimentary alignment member, one of the vehicle body and the chassis including the other of the alignment member and the complimentary alignment member, the alignment member being configured to receive the complimentary alignment member to align the cockpit relative to one of the vehicle body and the chassis; a first component including a rotatable element, one of the chassis and the cockpit including a first magnet, the first component being coupleable to the first magnet; and a second component including its own rotatable element, the one of the chassis and the cockpit including the first magnet including a second magnet, and the second component being coupleable to the second magnet." Accordingly, Applicants submit that claim 30 is allowable over the prior art. Applicants further submit that each of the dependent claims 31-35 is allowable for its dependency from claim 30 and for the additional features that it recites.

With respect to new independent claim 36, Applicants respectfully submit that the prior art of record fails to teach or suggest, alone or in combination, a toy vehicle including "a first component resembling a first portion of a vehicle; a second component resembling a second

Amendment
U.S. Patent Application No. 10/688,733
Attorney Docket No. MAT 314

portion of a vehicle, the second component being selectively coupleable to the first component; a third component resembling a third portion of a vehicle, the third component being configured to be disposed between the first component and the second component; an alignment assembly, the alignment assembly including a receiving member and an outwardly extending member, the receiving member being configured to receive the outwardly extending member, the third component including the receiving member of the alignment assembly, and the first component including the outwardly extending member of the alignment assembly; and a first rotatable element resembling a portion of a vehicle, one of the first component and the second component including a first magnet, and wherein the first rotatable element is coupleable to the magnet.” Accordingly, Applicants submit that claim 36 is allowable over the prior art. Applicants further submit that each of the dependent claims 37-41 is allowable for its dependency from claim 36 and for the additional features that it recites.

With respect to new independent claim 42, Applicants respectfully submit that the prior art of record fails to teach or suggest, alone or in combination, a toy vehicle including “a chassis; a vehicle body, the vehicle body being coupled to the chassis; a cockpit, the cockpit being configured to be disposed between the chassis and the vehicle body; means for aligning the cockpit relative to one of the chassis and the vehicle body; means for magnetically coupling the cockpit to one of the chassis and the vehicle body; and means for mounting an axle and wheels proximate to the chassis.” Accordingly, Applicants submit that claim 42 is allowable over the prior art. Applicants further submit that each of the dependent claims 43-49 is allowable for its dependency, either directly or indirectly, from claim 42 and for the additional features that it recites.

Amendment
U.S. Patent Application No. 10/688,733
Attorney Docket No. MAT 314

In view of the foregoing, the Examiner is respectfully requested to find claims 30-49 to be in condition for allowance. However, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to call the undersigned attorney to discuss any unresolved issues and to expedite the disposition of the application.

Applicant hereby petitions for any extension of time that may be required to maintain the pendency of this case, and any required fee for such extension is to be charged to Deposit Account No. 05-0460.

Respectfully submitted by:

Dated: February 2, 2007

EDELL, SHAPIRO & FINNAN, LLC
CUSTOMER NO. 27896
1901 Research Boulevard, Suite 400
Rockville, MD 20850
(301) 424-3640

/Thomas W. Lynch/
Thomas W. Lynch
Reg. No. 42,820